

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 7, 2002
8:15 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:16 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
JANUARY 31, 2002 AND TUESDAY, FEBRUARY 5, 2002**

The Board held approval of the Staff Meeting minutes of February 5, 2002.

MOTION: Campbell moved and Stevens seconded approval of the Staff Meeting minutes of January 31, 2002. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

2 ADDITION TO THE AGENDA

- A. Vacation Request from Kit Boesch, Human Services Administrator, for March 5-7, 2002 (Exhibit A)
- B. Vacation Request from Russ Shultz, Noxious Weed Control Authority Superintendent, for February 14-15, 2002 (Exhibit B)
- C. Microcomputer Request, C#2002-055, \$7,582.75 from the Community Support Tobacco Grant for Five (5) Compaq EVO Pentium IV's, Five (5) Monitors and Software for the Community Mental Health Center (Exhibit C)

MOTION: Heier moved and Hudkins seconded to:
1. Approve the additions to the agenda
2. Approve Items A, B and C
Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

3 DISCUSSION OF BOARD MEMBER MEETINGS

A. Joint Budget Committee - Campbell, Stevens

Campbell reported the following topics of discussion:

- Update on the Malone Community Center
- Proposal the City has received for a Single Room Only (SRO) housing project
- Report from United Way of Lincoln-Lancaster County

B. Region V Governing Board - Stevens

No report was given.

C. Public Building Commission - Campbell, Hudkins

Hudkins said the Public Building Commission and Screening Committee met to review the six applications for architectural services for the north parking garage. The field was narrowed to two architectural firms and interviews will be held with them on February 8, 2002.

ACTION ITEMS

A. Set Date for Work Session with Planning Department Regarding Acreages and Urban Expansion; and Industrial Use in Agricultural (AG) Zoning Jurisdiction

The Board scheduled the work session from 9-11:30 a.m. on February 26, 2002.

B. Expenditure of \$5,000 from the Keno Fund for Matching Funds Under Grant from the Robert Woods Johnson Foundation to Lincoln Area Agency on Aging

MOTION: Campbell moved and Hudkins seconded to pledge \$5,000 from the Keno Fund as the County match for the grant. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

E. Lincoln Water System Billings for Juvenile Detention Facility

Eagan explained that Cheever Construction paid the Lincoln Water System billing after the date of substantial completion.

MOTION: Hudkins moved and Stevens seconded to reimburse Cheever Construction for the expense. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit D), noting the following:

- Discussion on priority bills will begin February 11, 2002.
- Revenue Committee will hear inheritance tax bills on February 21, 2002.
- LB 616 (authorizes road maintenance agreements between counties, cities and villages) remains on Select File.
- LB 447 (provides for acquisition of country roads through arbitration) was killed by the Transportation Committee. LB 259 (authorize license and occupation taxes by counties) was advanced to Final Reading following adoption of an amendment to provide for a vote of the people in counties where the county wants to impose an occupation tax.
- Government Committee has scheduled a public hearing on LB 1123 (provide an exception to competitive bidding requirements under the County Purchasing Act) on February 13, 2002. LB 1200 (change County purchasing Act provisions) is also scheduled for a hearing on that date.

It was noted for the record that Kathy Smith, Assistant Purchasing Agent, will testify on the County Purchasing Act bills on behalf of Lancaster County.

Kissel said Lancaster County has been asked to look at LB 1184 (subject payments to risk management pools to levy limitations).

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, reported the following:

- LB 1138 (create a fund and impose a surcharge under the Emergency Management Act) is scheduled for a public hearing on February 20, 2002.
- LB 1301 (adopt the Nebraska Historic Preservation Act), is scheduled for a public hearing on February 22, 2002. She noted that the bill is a companion piece to LR14CA (constitutional amendment to authorize property tax exemption for historically significant real property) which is still in committee.

The Board reviewed a memorandum from Steve Masters, City Public Works/Utilities regarding LB 936 (authorize drainage programs and storm sewer systems for cities, villages, and natural resources districts) (Exhibit E).

Eagan said some of the cities and natural resource districts have proposed an amendment that would require the consent of a city's governing body if a natural resources district wants to do a stormwater project within a city's three mile zoning jurisdiction.

In response to a question from Heier, Eagan said the bill does not address Sanitary Improvement Districts (S.I.D.'s).

Stevens asked whether fees will be assessed to all residents within the corporate limits and the three mile zoning jurisdiction for projects done outside the corporate limits.

Eagan said it isn't clear.

Hudkins said the Lancaster County Agricultural Society paid to develop the drainage way at the Event Center site and asked whether they could be reassessed if included in a drainage district.

Kissel said he will seek clarification from the bill's drafters.

The Board reviewed a draft of a letter to the Nebraska Legislature's Natural Resources Committee (Exhibit F).

MOTION: Campbell moved and Stevens seconded to send the letter, with signature by members of the Board.

Kissel suggested that the County submit questions regarding financing of projects with one of the senators.

ON CALL: Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Temporary Employee for County Board

MOTION: Hudkins moved and Campbell seconded to hire Elizabeth Rowe as a temporary employee, on an as need basis. Heier, Campbell, Workman, Stevens and Hudkins voted aye. Motion carried.

B. Letter from John Cleveland, Acting United States Marshal

Board consensus to schedule discussion with John Cleveland, Acting United States Marshal; Michael Heavican, United States Attorney; and Chief United States District Judge Richard Kopf on a future Staff Meeting agenda.

C. Committee Assignments

The Board reviewed a list of committee assignments (see agenda packet) and assigned the Lincoln-Lancaster County Ecological Advisory Committee to Campbell, rather than Heier.

NOTE: The Board will take action on the committee assignments at the February 12, 2002 County Board of Commissioners Meeting.

5 COUNTY SEWAGE CODE - Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief; John Chess, Water Quality Supervisor

Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, said several changes to County Resolution (CR) 2832, Individual Sewage Disposal Systems are proposed to comply with the Nebraska Department of Environmental Quality's (NDEQ's) Title 124 - Rules and Regulations for the Design, Operation, and Maintenance of On-Site Wastewater Treatment Systems, which was updated in 1999 (Exhibit G).

John Chess, Water Quality Supervisor, said local installers were consulted and training and certification of installers was included, at their suggestion. He said there is provision for variances in situations where there is little impact on the operation of a system, giving trees and lagoons as an example. NDEQ will review requests for a variance where there are questions in terms of the operation and design of standard. Chess said there is also a provision for a \$30 annual permit for a non-standard wastewater systems to insure continuity between homeowners through the inspection process. He said the permit will impact a limited number of systems per year.

Heier asked why three acres are required for a wastewater system.

Holmes said the State requires three acres for a lagoon but permits a septic system on a smaller parcel. He noted, however, that the County Zoning Resolution requires three acres in Agricultural Residential (AGR) zoned areas.

Heier said this makes "build through" by the City difficult.

Holmes explained that location of the house, not the septic system, is the determining factor in connection to City service.

Hudkins noted that the number of percolation tests required exceeds State regulations, but said Chess has explained that installers and engineering firms perform the tests, not the Health Department. He added that there is a significant amount of soil variance in the County.

6 POTENTIAL LITIGATION - Dave Johnson, Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 9:47 a.m. for discussion of potential litigation. Hudkins, Stevens, Heier, Campbell and Workman voted aye. Motion carried.

The Chair exited the meeting and the Vice Chair assumed direction of the meeting.

MOTION: Hudkins moved and Campbell seconded to exit Executive Session at 10:08 a.m. Hudkins, Campbell, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

7 CONSULTING CONTRACT WITH MARSH USA, INC. - Georgia Glass, Personnel Director; Bill Kostner, City Risk Manager; Diane Staab, Deputy County Attorney

Georgia Glass, Personnel Director, said the contract with Marsh USA, Inc. for insurance consulting services will expire May 31, 2002. She suggested that the County seek a one year extension of the contract to allow for continuity as the County proceeds with a Request for Proposals (RFP) to select a health care provider.

Campbell recommended coordination with the City.

Bill Kostner, City Risk Manager, suggested the County seek to include the RFP to select a health care provider in the contract extension.

8 MAYOR WESELY'S EXECUTIVE ORDER REGARDING THE SALT CREEK TIGER BEETLE HABITAT - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, distributed the following:

- A memorandum from Mayor Wesely to Kathleen Sellman, Planning Director, dated January 25, 2002, regarding Salt Creek Tiger Beetle habitat protection (Exhibit H)
- An excerpt from the Comprehensive Plan Committee's draft of the Lincoln City-Lancaster County Comprehensive Plan (Exhibit I)

The Board reviewed a recommendation from the Lincoln-Lancaster County Ecological Advisory Committee (EAC) that the Lancaster County Board impose a moratorium on development in the Little Salt Creek Watershed in the City of Lincoln and Lancaster County until a habitat recovery plan is completed for the Salt Creek Tiger Beetle and to pass this recommendation onto the City of Lincoln Mayor's office and the Comprehensive Plan Committee.

DeKalb explained that the City has no authority beyond its three mile zoning jurisdiction.

In response to a question from Hudkins, DeKalb said the Salt Creek Tiger Beetle has been found in various locations on the saline wetlands, with the greatest concentration in the Arbor Lake area.

Hudkins said he is not convinced that there is any threat to the Salt Creek Tiger Beetle, beyond the City's three mile zoning jurisdiction and asked whether there are any planning applications pending beyond that area.

DeKalb said not at this time, although there has been interest expressed.

Hudkins questioned how far development should be limited.

DeKalb said the Task Force on the Salt Creek Tiger Beetle recommended inclusion of a 500 foot buffer zone in the Comprehensive Plan until additional baseline research can be completed and a local plan developed. He said he is working with Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, to develop an interlocal agreement for the City, County, State, Lower Platte South NRD and Lincoln Airport Authority to initiate a study. DeKalb said he does not anticipate the study will be completed until 2003.

Stevens suggested that the Board follow suit with the Mayor's directive to the Planning Department:

Until the new Comprehensive Plan is approved, please take preservation of the Salt Creek Tiger Beetle habitat into consideration in preparing any staff reports on any development proposals you may receive for the areas in question.

The Board reviewed two suggested letters of response to the EAC (Exhibit J) and authorized the Chair to send the first letter, with the following revised language:

With regard to the Tiger Beetle issue, Mayor Wesley convened a task force and the County Board appointed me as their representative. The task force issued a report and Mayor Wesley took action by Executive Order which only includes the three-mile zoning jurisdiction. Attached is a copy of his statement. The 500' buffer will be in place within the three-mile area while a local plan is developed. The City is working on interlocal agreements to initiate study to develop such a local plan. The County Board will review this issue as it applies to the County's zoning jurisdiction and notify you should a policy be developed.

An open house presentation on the Tiger Beetle, jointly sponsored by the County Board and Mayor Wesley, will be held on Tuesday, February 12, 2002. A copy of the notice is enclosed.

9 ACTION ITEMS

- A. Set Date for Work Session with Planning Department Regarding Acreages and Urban Expansion; and Industrial Use in Agricultural (AG) Zoning Jurisdiction

Item moved forward on the agenda.

- B. Expenditure of \$5,000 from the Keno Fund for Matching Funds Under Grant from the Robert Woods Johnson Foundation to Lincoln Area Agency on Aging

Item moved forward on the agenda.

C. Letter Supporting Legislative Bill (LB) 936

See Agenda Item 4.

- D. Request from Kit Boesch, Human Services Administrator, to Send Five (5) Representatives to "Developing and Enhancing Accountability Based Juvenile Sanctioning Programs" Conference, March 24, 20002 in Houston, Texas (Approximate Cost of \$2,500)

Kit Boesch, Human Services Administrator, appeared to answer questions regarding the request.

Heier asked whether the Families First & Foremost (F³) Grant Program could assist with the cost.

Boesch said F³ might be willing to cover the costs for Sheryl Schrepf, Juvenile Mental Health Director, and Corey Steele, Juvenile Detention Expediter. She noted that attendance will allow the County to apply for ongoing technical assistance from the National Graduated Sanctions Center.

MOTION: Campbell moved and Hudkins seconded to pay to send three representatives to the conference and to direct Dave Kroeker, Budget and Fiscal Officer, to determine the appropriate funding source. Campbell, Hudkins, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

E. Lincoln Water System Billings for Juvenile Detention Facility

Item moved forward on the agenda.

F. Letter to Lincoln-Lancaster County Ecological Advisory Committee

See Agenda Item 8.

10 ADMINISTRATIVE OFFICER REPORT

A. Temporary Employee for County Board

Item moved forward on the agenda.

B. Letter from John Cleveland, Acting United States Marshal

Item moved forward on the agenda.

C. Committee Assignments

Item moved forward on the agenda.

D. Joint Budget Committee/Keno Prevention Fund Recommendations

The Board will take action on this item at the February 12, 2002 County Board of Commissioners Meeting.

11 ADJOURNMENT

MOTION: Campbell moved and Stevens seconded to adjourn the meeting at 10:22 a.m. Campbell, Stevens, Hudkins and Heier voted aye. Workman was absent from voting. Motion carried.

Bruce Medcalf
County Clerk